

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GERMAINE SANDERS,

Plaintiff,

v.

DR. NEUBARTH, M.D., et al.,

Defendants.

CASE NO. 1:05-cv-00076-AWI-SMS PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. 28)

ORDER DISMISSING ACTION, WITH
PREJUDICE, DUE TO PLAINTIFF'S DEATH,
AND DIRECTING CLERK OF COURT TO
ENTER JUDGMENT

(Docs. 26 and 27)

Plaintiff Germaine Sanders ("plaintiff") was a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On December 21, 2006, the Magistrate Judge filed a Findings and Recommendations herein which was served on the parties and which contained notice to the parties that any objections to the Findings and Recommendations were to be filed within thirty days. The parties did not file objections to the Findings and Recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 73-305, this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed December 21, 2006, is adopted in full;
2. Pursuant to Federal Rule of Civil Procedure 25(a), this action is dismissed, with prejudice, due to the death of plaintiff; and
3. The Clerk of the Court shall enter judgment for defendants and against plaintiff.

IT IS SO ORDERED.

Dated: February 15, 2007
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/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE